IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7592 OF 2005

Jalindra Dattatray Gadhave .. Applicant

Versus

State of Maharashtra .. Respondent

Mrs.P.U.Badodare l/f.Mr.R.S.Deshpande for applicant

Mr.S.S.Tatkare, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 29th November 2005.

P.C.

. Heard Mrs.Badodare holding for Mr.Deshpande for applicant and Mr.Tatkare, A.P.P.

for State. Perused the application. It appears that the applicant was engaged by one of the accused who is proprietor of Surabhi Construction for supplying building material. It is through said proprietor that the borrowers were introduced to the applicant. In turn applicant accompanied borrowers and the proprietor of the said firm to Pune Sahakari Bank and while they obtained loans neither he has guaranteed repayment thereof nor has he signed any documents. In fact, it is his specific case that he was cited as witness in the F.I.R. lodged by the Manager of the bank. Amounts that are paid are not towards any liabilities of the bank but towards contracts undertaken for the proprietor of the concerned firm.

2. I have perused the complaint. Insofar as the proprietor is concerned, he has also been granted anticipatory bail. In these circumstances, considering the fact that the

dispute is purely civil in nature, applicant is entitled to similar reliefs. Hence, following order:-

i) In the event of Applicant being arrested in connection with M.C.R.No.34 of 2005 under section 420, 406 read with 34 I.P.C. registered with Deccan Police station, Pune, he shall be released on bail in the sum of Rs.10,000/- with one or two sureties in the like amount.

ii) Bail is granted subject to condition that applicant shall report to Deccan Gymkhana Police Station as and when summoned.

iii) Applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to

dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter he wll be free to apply to the appropriate court for appropriate relief.

vi) Application disposed of.

vii) Parties to act upon an

authenticated copy of this order.

(S.C.DHARMADHIKARI, J)